

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JEFFREY SANDERS,

Plaintiff,

v.

Case No. 07-cv-14206
Honorable Denise Page Hood

DETROIT POLICE DEPARTMENT, et al.,

Defendants.

ORDER DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS*

This matter comes before Court on Plaintiff Jeffrey Sander's third Application to Proceed *In Forma Pauperis*. Plaintiff filed yet another Notice of Appeal on June 10, 2013, only days after the Sixth Circuit Court of Appeals issued an order dismissing Plaintiff's prior appeal of this matter for lack of appellate jurisdiction. [Docket No. 146, filed June 3, 2013] The Court will direct Plaintiff to the still pending motions for summary judgment filed by himself and the Detroit Police Department. [Docket Nos. 127, 128] There is no final judgment on all of Plaintiff's claims. *See* 29 U.S.C. § 1291; *Dunn v. Savage*, 524 F.3d 799, 802 (6th Cir. 2008) ("A decision that is final, and therefore appealable, under § 1291 is one 'that ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.'" (quoting *Lauro Lines S.R.L. v. Chasser*, 490 U.S. 495, 497 (1989))). Nor does this matter fall within the narrow exception for interlocutory appeals. *See* 28 U.S.C. § 1292; *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949). In short, there is nothing for Plaintiff to appeal. Therefore, the Court finds that any appeal is frivolous and not taken in good faith; Plaintiff's application to proceed without payment of fees is, therefore, denied. 28 U.S.C. § 1915(a)(3); *McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997).

Once again, Plaintiff is showing complete disrespect for the Court's orders. This Court has already warned Plaintiff of the impropriety of his actions. [Docket Nos. 135, 143] The Sixth Circuit has explained that Plaintiff cannot file an appeal in the absence of an appealable final judgment or collateral order. Necessarily, without an appealable final judgment or collateral order, Plaintiff is foreclosed from filing an application to proceed without payment of fees on appeal. Not deterred, Plaintiff files another application to proceed without payment of fees. Plaintiff is on notice that if he files anymore applications to proceed without payment of fees on appeal in the absence of an appealable final judgment, the Court will fashion an appropriate sanction, including but not limited to a prefiling requirement. *See Ortman v. Thomas*, 99 F.3d 807, 811 (6th Cir. 1996); *Feathers v. Chevron U.S.A., Inc.*, 141 F.3d 264, 269 (6th Cir. 1987). There will be no more warnings.

Accordingly,

IT IS ORDERED that Plaintiff's Application to Proceed *In Forma Pauperis* [Docket No. 149, filed June 10, 2013] is DENIED.

IT IS SO ORDERED.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: June 14, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 14, 2013, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager